IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5260 of 2004

Between:

1 Reddyboina Srinivas, S/o. Sathaiah,
R/o. Peddaparvathapur Village, Bommala Ramaram Mandal,
Nalgonda District.
2 Reddyboina Sathyanarayana, S/o. Ramachandraiah,
R/o. Peddaparvathapur Village, Bommala Ramaram Mandal,
Nalgonda District.
3 Reddyboina Narasimhulu, S/o. Balakistaiah,
r/o. Peddaparvathapur Village, Bommala Ramaram Mandal,

Nalgonda District.

..... PETITIONERS

AND

1 The Director, Department of Mines and Geology, Hyderabad.
2 The District Collector, Nalgonda District.
3 The Mandal Revenue Officer, Bommala Ramaram Mandal, Nalgonda

District.
4 Sri Pothuganti Vijaya Bhaskar Reddy S/os. P. Ram Reddy,
R/o. Ponnal Village, Shameerpet Mandal, Ranga Reddy District.
5 The Panchayat Secretary/ Executive Officer, Peddaparvathapur

Village, Bommala Ramaram Mandal,
Nalgonda District.
6 The Chairman, A.P. Pollution Control Board, Maithrivanam,

Ameerpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ, directing the respondents not to grant any permission for erection of stone crushing machine in the Peddaparvathapur Village, Bommalaramaram Mandal, Nalgonda District to Respondent No.4 or in the alternate to direct cancellation of the permission if any granted to Respondent No.4.

Counsel for the Petitioner:MR.A.RAJASEKHAR REDDY, Advocate

Counsel for respondent No.1: The Govt. pleader for Mines & Geology

Counsel for respondent Nos.2 and 3: The Govt. Pleader for Revenue

Counsel for respondent No.4: Mr.D.Bhaskar Reddy, (Not present)

Counsel for respondent No.5: Smt.Jyothi Eswar Gogineni, (not present)

Counsel for the Respondent No.6: Mr.S.V.Bhatt

The Court at the stage of admission made the following :

ORAL ORDER: (per the Hon’ble the Chief Justice)

Petitioners, who are agriculturists residing in Peddaparvathapur village, Bommalaramam Mandal, Nalgonda District, are questioning the action of the fourth respondent in establishing a stone crusher alleging that if the same is installed, it would lead to dust and noise pollution and would adversely affect their life and health.

Respondent No.1 has filed an affidavit justifying his action in granting mining lease to the respondent No.4. In so far as the installation of stone crusher is concerned, it is stated that the lessee has to obtain proper permission from the various authorities including the Andhra Pradesh Pollution Control Board.

The petitioners, had, before filing the writ petition, submitted a representation to the A.P. Pollution Control Board and as per the submission made by the learned counsel for the petitioner, the stone crusher has already been installed and is working there.

The petitioners cannot object for the installation of the stone crusher but can definitely object as regards the violation of certain laws, Rules and Regulations. In case the establishment of stone crusher is causing environmental problem, the same has to be looked into by the A.P. Pollution Control Board and that can only be done on inspection of the site while the stone crusher is in a working state to find out whether or not the working of the stone crusher is likely to cause any environmental problem. In case it is found that the stone crusher is violating any provisions of law or Rules or Regulations, the Pollution Control Board has to take necessary steps for due compliance of law and if its directions are not adhered to, to ensure that the offending unit is closed.

Consequently, we allow the petition and direct the A.P. Pollution Control Board to inspect the site in question and in case the stone crusher has already been installed, to ensure that law is properly followed and in case it is causing any environmental problem, to take appropriate steps within two months from the date of receipt of a copy of this order.

DEVINDER GUPTA, CJ

13-7-2004

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G.ROHINI, J

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To

1 The Director, Mines and Geology Department, Hyderabad.
2 The District Collector, Nalgonda District.
3 The Mandal Revenue Officer, Bommala Ramaram Mandal, Nalgonda

District.
4 The Panchayat Secretary/ Executive Officer, Peddaparvathapur

Village, Bommala Ramaram Mandal,
Nalgonda District.
5 The Chairman, A.P. Pollution Control Board, Maithrivanam,

Ameerpet, Hyderabad.

6 2 CCs to the Govt. Pleader for Mines and Geology, High Court

Buildings, Hyderabad.

7. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad.

8 2 CD copies.